

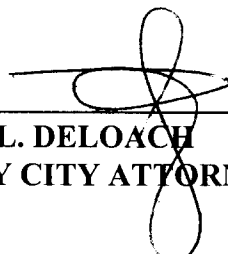
Entered - 06/30/03 - sb
CL03L0533 - DIANNE C. MITCHELL

CLAIM OF: **CHERYL OWENS,**
through her attorney,
Michael J. Lonati
PMB 350
1720 Mars Hill Road, #8
Acworth, Georgia 30101-8084

04- R -0676

For damages alleged to have been sustained as a result of a vehicular
accident on February 10, 2003 at 3393 Peachtree Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 4/27/04

CHAIR: W. A. Smith

Harry DeLoach

Clara Hines

Clara Hines

Clara Hines

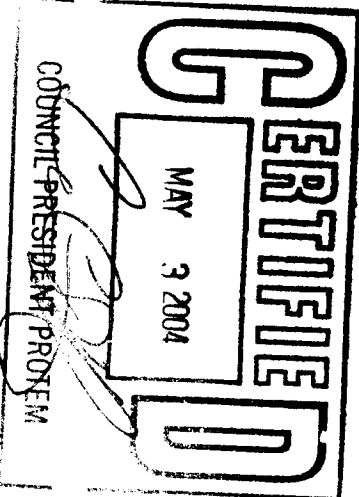
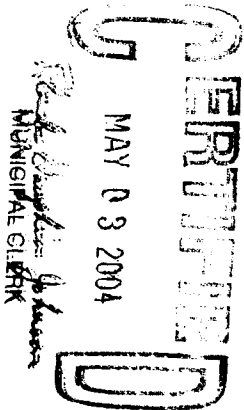
Clara Hines

Clara Hines

Clara Hines

ADVERSED

MAY 03 2004



COUNCIL PRESIDENT PROTEM



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

May 13, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

Michael J. Lonati
Attorney at Law
PMB 350
1720 Mars Hill Rd., #8
Acworth, GA 30101-8084

04-R-0676

RE: Cheryl Owens

Dear Attorney Lonati:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on December 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0533

Date: April 6, 2004

Claimant /Victim CHERYL OWENS
BY: (Atty) Michael J. Lonati
Address: PMB 350, 1720 Mars Hill Road, #8, Acworth, Georgia 30101-8084
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 06/19/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/10/03 Place: 3393 Peachtree Road, NE
Department Police Bureau:
Employee involved Carlos A. Figueroa, Jr. Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured in a vehicular accident with a City vehicle. However, the claimant has failed to provide information necessary to support her claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned X

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: Concur/date
Committee Action: Council Action

MICHAEL J. LONATI
ATTORNEY AT LAW

PMB 350
1720 MARS HILL ROAD, #8
ACWORTH, GEORGIA 30101-8084

Done
Mitchell
06/27/03
[Signature]

Telephone: (770) 739-7770

Facsimile: (770) 739-7758

RECEIVED

ENTERED 06-30-03 - DP
03L0533 - DIANNE MITCHELL

June 17, 2003

JUN 19 2003

MUNICIPAL CLERK

CERTIFIED MAIL
RETURN RECEIPT
#70020860000666984721

Council of the City of Atlanta
City Hall
55 Trinity Avenue, SW
Atlanta, GA 30335

Attention: Municipal Clerk

RE:	Your Insured	: Carlos Figueroa, Jr.
	Your Claim Number	: unknown
	Our Client	: Cheryl Owens
	Date of Injury	: February 10, 2003

Dear Municipal Clerk:

Please be advised that this firm represents Cheryl Owens in connection with damages and injuries sustained in a vehicular collision involving your insured that occurred on February 10, 2003, when Mr. Figueroa failed to obey a traffic control device and a collision ensued.

Please provide me with a list of physicians you would authorize to provide medical treatment to my client (s) at your sole cost.

This letter shall also serve as notice of a claim against your insured pursuant to O.C.G.A. §33-34-3 (e), should your insured fail to notify you personally.

Pursuant to O.C.G.A. §33-3-28, please forward to me a certified copy of the declaration page for each and every known insurance policy covering your insured, and/or insuring to the benefit of my client, including, but not limited to, automobile liability, excess or umbrella coverage. Attached as page 2 of 2 is a notarized request for this information that has been signed by my client.

All contact with my client, whether verbal, personal or written, must be directed through my office.

Thank you for your anticipated time and assistance.

Sincerely,

Michael J. Lonati
Michael J. Lonati

MJL/btw

Enc.

cc: Cheryl Owens

REQUEST FOR POLICY LIMITS DISCLOSURE

I, CHERYL OWENS,
pursuant to O.C.G.A. § 33-3-28 hereby request that you provide to
me, at my attorney's address, a written statement, under oath, of
a corporate officer or claims manager, stating with regard to each
known policy of insurance issued by your company, including excess
or umbrella insurance, the name of the insurer, the name of each
insured and the limits of coverage pertaining to your insured as
outlined on the preceding page. You may provide a copy of the
declaration page of each such policy in lieu of providing such
information.

COMES NOW, CHERYL OWENS, who
personally appearing before the undersigned attesting officer duly
authorized to administer oaths, and who, after being first duly
sworn, on oath states:

The specific nature of the claim I assert against your insured
is set forth on the preceding page which includes my attorney's
letter of representation.

The above and foregoing statements I have made are true and
correct and are based on personal knowledge, except as to any
statements alleged to be true or correct on information and belief
and of which the undersigned believes those matters to be true.

This 22nd day of May, 2003.

CHERYL OWENS
Claimant

Sworn to and subscribed
before me this 22 day
of May 2003.

Cassandra G. Chappel
Notary Public

Page 2 of 2

